UNITED STATES PATENT AND TRADEMARK OFFICE

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/003,420	12/06/2001	Kevin Wade Jameson		5423

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EXAMINER
BAUTISTA, XIOMARA L

ART UNIT	PAPER NUMBER
2179	

DATE MAILED: 09/08/2004

Please find below and/or attached an Office communication concerning this application or proceeding.

	Application No.	Applicant(s)
Office Action Summary	10/003,420	JAMESON, KEVIN WADE
	Examiner	Art Unit
	X L Bautista	2179

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE _3_ MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>06 December 2001</u>.

2a)☐ This action is **FINAL**.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>1-48</u> is/are pending in the application.

    4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>1-48</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☒ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>06 December 2001</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

    Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

    Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

    a)☐ All   b)☐ Some * c)☐ None of:

      1.☐ Certified copies of the priority documents have been received.

      2.☐ Certified copies of the priority documents have been received in Application No. _____.

      3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

    * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)
2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3)☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
    Paper No(s)/Mail Date _____.

4)☐ Interview Summary (PTO-413)
    Paper No(s)/Mail Date. _____.
5)☐ Notice of Informal Patent Application (PTO-152)
6)☐ Other: _____.

U.S. Patent and Trademark Office
PTOL-326 (Rev. 1-04)   Office Action Summary   Part of Paper No./Mail Date 20040902

DETAILED ACTION

Specification

1.   Applicant is reminded of the proper content of an abstract of the disclosure.

A patent abstract is a concise statement of the technical disclosure of the patent and should include that which is new in the art to which the invention pertains. If the patent is of a basic nature, the entire technical disclosure may be new in the art, and the abstract should be directed to the entire disclosure. If the patent is in the nature of an · improvement in an old apparatus, process, product, or composition, the abstract should include the technical disclosure of the improvement. In certain patents, particularly those for compounds and compositions, wherein the process for making and/or the use thereof are not obvious, the abstract should set forth a process for making and/or use thereof. If the new technical disclosure involves modifications or alternatives, the abstract should mention by way of example the preferred modification or alternative.

The abstract should not refer to purported merits or speculative applications of the invention and should not compare the invention with the prior art.

Where applicable, the abstract should include the following:
(1) if a machine or apparatus, its organization and operation;
(2) if an article, its method of making;
(3) if a chemical compound, its identity and use;
(4) if a mixture, its ingredients;
(5) if a process, the steps.

Extensive mechanical and design details of apparatus should not be given.

2.   Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a <u>single paragraph</u> on a separate sheet within the range of <u>50 to 150 words</u>. It is important that the abstract <u>not exceed 150 words</u> in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The

disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

3.	An examination of this application reveals that applicant is unfamiliar with patent prosecution procedure. While an inventor may prosecute the application, lack of skill in this field usually acts as a liability in affording the maximum protection for the invention disclosed. Applicant is advised to secure the services of a registered patent attorney or agent to prosecute the application, since the value of a patent is largely dependent upon skilled preparation and prosecution. The Office cannot aid in selecting an attorney or agent.

Applicant is advised of the availability of the publication "Attorneys and Agents Registered to Practice Before the U.S. Patent and Trademark Office." This publication is for sale by the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

Response to Amendment

4.	The amendment to the specification filed on 7/23/02 was not entered because the pages are not sequentially numbered; some pages are missing; and the pages and paragraphs for the requested changes point to the wrong word or sentence. For example, applicant requested to change "103" to "FIG 4 103 in page 26, pp 1. However, paragraph one of page 26 reads:

"a collection specifier file. In this example, the root directory of a collection 100 is a directory named "c-myhomepage" FIG 2 Line 4, which in turn contains a collection

specifier file 102 named "cspec" FIG 2 Line 5." Please review carefully and use page

and line numbers instead of paragraphs to facilitate location of words and/or sentences.

5.   The amendment to the claims filed on 7/23/02 does not comply with the

requirements of 37 CFR 1.121(c) because the pages are not sequentially numbered

and some pages are missing. Amendments to the claims filed on or after July 30, 2003

must comply with 37 CFR 1.121(c) which states:

(c) *Claims*. Amendments to a claim must be made by rewriting the entire claim
with all changes (*e.g.*, additions and deletions) as indicated in this subsection, except
when the claim is being canceled. Each amendment document that includes a change
to an existing claim, cancellation of an existing claim or addition of a new claim, must
include a complete listing of all claims ever presented, including the text of all pending
and withdrawn claims, in the application. The claim listing, including the text of the
claims, in the amendment document will serve to replace all prior versions of the claims,
in the application. In the claim listing, the status of every claim must be indicated after
its claim number by using one of the following identifiers in a parenthetical expression:
(Original), (Currently amended), (Canceled), (Withdrawn), (Previously presented),
(New), and (Not entered).
        (1) *Claim listing*. All of the claims presented in a claim listing shall be
presented in ascending numerical order. Consecutive claims having the same status of
"canceled" or "not entered" may be aggregated into one statement (*e.g.*, Claims 1–5
(canceled)). The claim listing shall commence on a separate sheet of the amendment
document and the sheet(s) that contain the text of any part of the claims shall not
contain any other part of the amendment.
        (2) *When claim text with markings is required*. All claims being currently
amended in an amendment paper shall be presented in the claim listing, indicate a
status of "currently amended," and be submitted with markings to indicate the changes
that have been made relative to the immediate prior version of the claims. The text of
any added subject matter must be shown by underlining the added text. The text of any
deleted matter must be shown by strike-through except that double brackets placed
before and after the deleted characters may be used to show deletion of five or fewer
consecutive characters. The text of any deleted subject matter must be shown by being
placed within double brackets if strike-through cannot be easily perceived. Only claims
having the status of "currently amended," or "withdrawn" if also being amended, shall
include markings. If a withdrawn claim is currently amended, its status in the claim
listing may be identified as "withdrawn—currently amended."

(3) *When claim text in clean version is required.* The text of all pending claims not being currently amended shall be presented in the claim listing in clean version, *i.e.,* without any markings in the presentation of text. The presentation of a clean version of any claim having the status of "original," "withdrawn" or "previously presented" will constitute an assertion that it has not been changed relative to the immediate prior version, except to omit markings that may have been present in the immediate prior version of the claims of the status of "withdrawn" or "previously presented." Any claim added by amendment must be indicated with the status of "new" and presented in clean version, *i.e.,* without any underlining.

(4) *When claim text shall not be presented; canceling a claim.*

(i) No claim text shall be presented for any claim in the claim listing with the status of "canceled" or "not entered."

(ii) Cancellation of a claim shall be effected by an instruction to cancel a particular claim number. Identifying the status of a claim in the claim listing as "canceled" will constitute an instruction to cancel the claim.

(5) *Reinstatement of previously canceled claim.* A claim which was previously canceled may be reinstated only by adding the claim as a "new" claim with a new claim number.

Claim Rejections - 35 USC § 112

6.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

7.   Claims 1-48 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

As per claim 1, the limitation "providing a solution to the Adaptive Focus GUI problem" (line 4) lacks proper antecedent basis.

As per claim 2, the limitation "helping to solve the Work Purpose Adaptation Problem, the Work Location Adaptation Problems, the Work Object Type Adaptation Problem, the Work Role Adaptations Problem, the Work Time Adaptation Problem, the

Work Method Adaptation Problem, the Work Object Instance Adaptation Problem"

(page 59, lines 1-4) lack proper antecedent basis.

The same limitations are repeated in claims 3-48. Correction is required.

Claim Rejections - 35 USC § 102

8.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the
United States before the invention thereof by the applicant for patent, or on an international application
by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this
title before the invention thereof by the applicant for patent.

The changes made to 35 U.S.C. 102(e) by the American Inventors Protection Act

of 1999 (AIPA) and the Intellectual Property and High Technology Technical

Amendments Act of 2002 do not apply when the reference is a U.S. patent resulting

directly or indirectly from an international application filed before November 29, 2000.

Therefore, the prior art date of the reference is determined under 35 U.S.C. 102(e) prior

to the amendment by the AIPA (pre-AIPA 35 U.S.C. 102(e)).

9.   **Claims 1-48 are rejected under 35 U.S.C. 102(e) as being anticipated by**

***Sobeski et al* (US 6,633,315 B1).**

Claims 1, 17 and 33:

Sobeski discloses methods and systems for building context-based interfaces

(adaptive GUIs). A contextual engine provides a user interface based on a predefined set of user interface elements that are selected on the basis of a set of conditions. The system includes a plurality of contexts, which are defined by a set of conditions (events) and are associated with a predefined set of user interface (UI) elements. The contextual engine determines whether the set of conditions are satisfied, and if so, provides a user interface based on the predefined set of UI elements; and it dynamically updates the user interface. The user interface adapts or changes based on conditions (events, situations), (abstract; col. 1, lines 50-63; col. 2, lines 1-38; col. 3, lines 3-6, 15-19).

<u>Claims 2, 18 and 34:</u>

See claim 1. Sobeski teaches that a set of contexts is defined, each is associated with UI elements that are used to build a user interface most suitable to that context. The system receives information for changes (work situation change event). The UI elements include information such as user preferences, and they correspond to predefined contexts. When the user logs in, a contextual engine determines the context of the current experience and provides a user interface built from the UI elements associated with that context (col. 2, lines 9-19).

<u>Claims 3, 19, and 35:</u>

See claim 2. Sobeski teaches that the system receives notification of changes from human operators, contextual engine (GUI programs), prescribed conditions, external programs (figs. 1-3).

Claims 4, 20, and 36:

Sobeski teaches that the context engine is enabled to identify a particular change

in work situation (obtains a work situation name from the change event). The system

knows for example when the user is "at work", "not at work", "at work but roaming", "at

home", etc., (col. 7, lines 42-67; col. 8, lines 1-43).

Claims 5, 21, and 37:

Sobeski teaches that the context engine uses work situation data read from a

storage means to perform a name matching operation to identify a work situation

definition to be installed (installing an interface that coincides with "at work", "not at

work", "at work but roaming", "at home", etc.), (fig. 2; col. 5, lines 38-67; col. 6, lines 1-

67; col. 7, lines 1-67; col. 8, lines 1-43).

Claims 6-8, 22-24, and 38-40:

Sobeski teaches a context-sensitive adaptive data storage to perform a name

matching operation to identify a work situation (fig. 2; col. 5, lines 38-67; col. 6, lines 1-

67; col. 7, lines 1-67; col. 8, lines 1-43).

Claims 9, 25, and 41:

See claim 6. Sobeski teaches that a new user interface is built from the UI

elements that the contextual engine identifies based on the context of the current user

experience (col. 6, lines 8-15).

Claims 10, 26, and 42:

See claim 6. Sobeski teaches a user interface that adapts to changes (user's

current experience). Sobeski teaches that definitions selected from (for example) role definitions, location, etc., (col. 5, lines 51-67; col. 6, lines 1-15).

Claims 11-13, 27-29, and 43-45:

Sobeski teaches that the invention provides a mechanism to provide the user with the user interface and content that the user will likely need for the current experience given the user's current role. For example, the user may be relaxing at home, working at home (partial work situation), at work (full work situation), not working, at work but roaming, etc., (fig. 2; col. 5, lines 38-67; col. 6, lines 1-67; col. 7, lines 1-67; col. 8, lines 1-43).

Claims 14, 30, and 46:

Sobeski teaches performing an adaptive response and modifying internal GUI data values consisting of context values (col. 5, lines 36-67; col. 6, lines 8-15, 37-60), role values (col. 6, lines 13-15; col. 7, lines 51-67), and timeset values (col. 2, lines 1-8; col. 3, lines 1-14; col. 6, lines 1-7; col. 8, lines 44-48).

Claims 15, 16, 31, 32, 46, and 47:

See claim 1. Sobeski teaches that the UI elements including such information as user preferences, favorites lists, toolbars, default directories, etc. Each of the UI elements corresponds to predefined contexts. When the user logs in, the contextual engine determines the context of the current experience and provides a UI built from the UI elements associated with that context (col. 2, lines 9-19; col. 7, lines 18-41).

Conclusion

10.   The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

11.   Any inquiry concerning this communication or earlier communications from the examiner should be directed to X L Bautista whose telephone number is (703) 305-3921. The examiner can normally be reached on Monday-Thursday (8:00-18:00), Fridays Off.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Herndon can be reached on (703) 308-5186. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

12.   Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

13.   Check the following information if further assistance is needed.

<http://www.uspto.gov/web/offices/pac/dapp/pacmain.html>
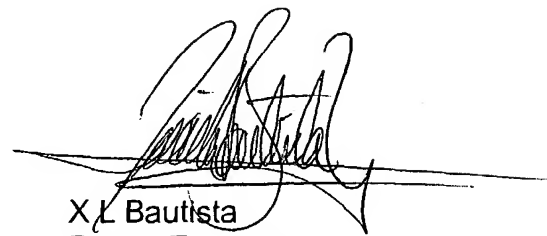
Telephone Numbers
800-PTO-9199
(800-786-9199)

703-308-HELP
(703-308-4357)

Hours of Operation
Monday - Friday
8:30 AM - 5:00 PM (EST)

X L Bautista
Patent Examiner
Art Unit 2179

xlb
02 September 2004